



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

General Counsel

1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

June 17, 2013

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: WT Docket No. 13-85

Dear Secretary Dortch:

The United States Department of Transportation (DOT) respectfully requests that the Federal Communications Commission (FCC or Commission) make spectrum available to the Southern California Regional Rail Authority (SCRRA) for use in its positive train control (PTC) system.¹ This result will promote public safety, as the requested spectrum is a fundamental component of SCRRA's PTC implementation.

In the Rail Safety Improvement Act of 2008 (RSIA), Congress required PTC systems to be implemented by December 31, 2015 on railroad main lines used to provide intercity or commuter rail passenger transportation, as well as certain main lines of Class I railroad carriers. 49 U.S.C. § 20157. This mandate was in response to railroad accidents, including a severe accident in Chatsworth, California, involving an SCRRA train that struck an oncoming freight train, causing 25 fatalities and more than 100 passenger injuries.

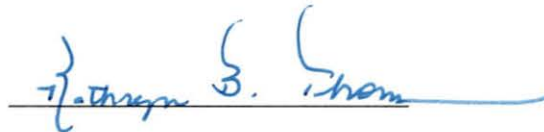
I understand that SCRRA submitted an application in early 2010 to obtain the relevant spectrum for use in its PTC system, but that the Commission has not yet taken final action on that application, perhaps due to delays in the proceedings relating to the current spectrum holder, Maritime Communications/Land Mobile, LLC. However, allowing this spectrum to be made available to SCRRA as quickly as possible is in the public interest of delivering the significant safety benefits of PTC required by the RSIA. In its August 2012 report to Congress on the progress of PTC implementation, the Federal Railroad Administration (FRA), an operating

¹ DOT has coordinated this letter with the National Telecommunications and Information Administration pursuant to 47 U.S.C. § 902(b)(2)(J).

administration of DOT, explained that the lack of spectrum is a serious obstacle to the timely implementation of PTC systems. By making spectrum available to SCRRA in this proceeding, the Commission would be taking an important step in helping to bring PTC, with its attendant safety benefits, to fruition.

I thank the Commission for its attention to this important issue and its continued cooperation with DOT and FRA in addressing the challenges of PTC implementation.

Yours truly,



Kathryn B. Thomson
Acting General Counsel